

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 233

Introduced by Assembly Member Jones

January 30, 2007

~~An act to amend Sections 39674, 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, 42400.6, 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.4 of, and to add Sections 39604.3, 42400.3.7, 42400.9, 42402.4.5, and 42402.6 to, the Health and Safety Code, relating to air pollution. An act to add Sections 43011.5 and 43704 to the Health and Safety Code, and to add Section 4755 to the Vehicle Code, relating to air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Jones. ~~Air pollution: Children's Breathing Rights Act: penalties. Diesel vehicles and engines: Healthy Heart and Lung Act.~~

(1) Existing law gives the State Air Resources Board the responsibility for control of emissions from motor vehicles and requires the state board to coordinate efforts of all levels of government as they affect air quality. The state board is required to identify toxic air contaminants and to establish airborne toxic control measures for toxic air contaminants. The state board has adopted an airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling. Violations of this regulation are subject to a minimum civil penalty of \$100.

This bill would increase this minimum civil penalty to \$300. The bill would also require the state board to adopt a plan for coordinated and enhanced enforcement of the airborne toxic control measure to limit

diesel-fueled vehicle idling and other diesel emission control regulations for on-road and off-road vehicles and engines.

(2) Existing law requires a commercial motor vehicle that operates with a declared gross or combined gross vehicle weight that exceeds 10,000 pounds to register with the Department of Motor Vehicles, and subjects these vehicles to special weight fees.

This bill would require the department to refuse registration for any diesel commercial vehicle subject to these provisions, if the vehicle was manufactured prior to January 1, 1994. The department would also be required to refuse registration, or renewal or transfer of registration for any of these vehicles, if the owner or an operator of the vehicle has been cited for a violation pertaining to the vehicle of specified air pollution laws until the violation has been cleared, as determined by the State Air Resources Board.

~~(1) Existing law vests local and regional authorities, defined as the governing body of any city, county, or air pollution control district or air quality management district, with the primary responsibility for control of air pollution from all sources other than vehicular sources. Existing law establishes maximum criminal and civil penalties for any person, as defined, for violations of air pollution laws from nonvehicular sources.~~

~~This bill would enact the Children's Breathing Rights Act, which would increase the maximum penalties for specified violations of air pollution laws. The bill would enact criminal and civil penalties for additional specified violations of air pollution laws that result in substantial risk of actual injury, and for making certain false statements, representations, or certifications. The bill would also require the State Air Resources Board to post on its Internet Web site certain information on air quality violations, which the bill would require the districts to report to the state board, and would require the districts to jointly develop with the state board a format for presenting this information.~~

~~Because this bill would impose new duties on local air districts, this bill would create a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited as, the*
2 *Healthy Heart and Lung Act.*

3 *SEC. 2. The Legislature finds and declares all of the following:*

4 *(a) Particulate matter from diesel exhaust causes an estimated*
5 *3,000 Californians to die prematurely every year, and causes*
6 *thousands more to experience other serious problems, including*
7 *asthma, chronic bronchitis, chronic obstructive pulmonary disease,*
8 *and hospital visits for respiratory and cardiovascular illness.*

9 *(b) Studies of traffic-related pollution have shown serious health*
10 *effects for individuals living close to freeways. Recent research*
11 *has found pronounced deficits in attained lung function for*
12 *California children living within 500 meters of a freeway.*

13 *(c) A recent study of women's health found that particulate*
14 *matter substantially increases the risk of heart disease in older*
15 *women.*

16 *(d) The State Air Resources Board identified particulate matter*
17 *emissions from diesel-fueled engines as a toxic air contaminant*
18 *in 1998. The state board subsequently developed a risk reduction*
19 *plan that included a goal of reducing the public health risk from*
20 *diesel particulate matter by 85 percent by 2020, and began to*
21 *develop regulations designed to further reduce diesel particulate*
22 *matter emissions from diesel-fueled engines and vehicles.*

23 *(e) As part of its efforts to reduce diesel emissions, the State Air*
24 *Resources Board has adopted regulations to control idling of*
25 *diesel-fueled vehicles, including buses and trucks. Additional*
26 *enforcement measures are needed to ensure consistent enforcement*
27 *of these and other regulations.*

28 *SEC. 3. Section 43011.5 is added to the Health and Safety*
29 *Code, to read:*

30 *43011.5. (a) The state board shall review its existing*
31 *enforcement of diesel emission control regulations for on-road*
32 *and off-road vehicles and engines and anticipated enforcement*
33 *needs for future diesel emission control regulations for on-road*
34 *and off-road vehicles and engines planned for implementing the*
35 *state board's diesel risk reduction plan and goods movement*

1 *emission reduction plan, and incorporate its findings into the plan*
2 *adopted pursuant to subdivision (b).*

3 *(b) No later than January 1, 2009, the state board shall adopt,*
4 *at a public hearing, a plan for coordinated and enhanced*
5 *enforcement of Section 2485 of Title 13 of the California Code of*
6 *Regulations and other diesel emission control regulations for*
7 *on-road and off-road vehicles and engines. The state board shall*
8 *consult with the districts and the public in developing the plan.*

9 *(c) The plan shall include, but is not limited to, all of the*
10 *following:*

11 *(1) Additional staff at the state board to ensure that the*
12 *appropriate resources are available to ensure consistent*
13 *enforcement of diesel emission control regulations for on-road*
14 *and off-road vehicles and engines throughout the state.*

15 *(2) Goals for inspection frequency each year to promote the*
16 *maximum level of compliance with diesel emission control*
17 *regulations for on-road and off-road vehicles and engines.*

18 *(3) Education efforts regarding diesel engine idling*
19 *requirements, including the placement of signs and other materials*
20 *in multiple languages where appropriate in locations where*
21 *significant numbers of idling trucks and engines have been found,*
22 *especially locations near schools and residential communities, to*
23 *ensure that operators of trucks traveling through the state and*
24 *other affected individuals and businesses are aware of the state's*
25 *diesel engine idling requirements.*

26 *(4) An outreach program, to include the hiring of additional*
27 *staff to train local enforcement officers, including, but not limited*
28 *to, highway patrol, local police, and local air district staff in the*
29 *enforcement of the state's diesel engine idling requirements. The*
30 *outreach program shall include at least two training sessions each*
31 *year in Northern California and two in Southern California.*

32 *SEC. 4. Section 43704 is added to the Health and Safety Code,*
33 *to read:*

34 *43704. Any person who violates Section 2485 of Title 13 of the*
35 *California Code of Regulations is subject to a minimum civil*
36 *penalty of three hundred dollars (\$300).*

37 *SEC. 5. Section 4755 is added to the Vehicle Code, to read:*

38 *4755. (a) The department shall refuse registration for any*
39 *diesel commercial motor vehicle subject to Section 4000.6, if the*
40 *vehicle was manufactured prior to January 1, 1994. The*

1 department shall continue to accept renewal and transfer of
2 registrations for these vehicles.

3 (b) The department shall refuse registration, or renewal or
4 transfer of registration for any commercial motor vehicle subject
5 to Section 4000.6, if the owner or an operator of the motor vehicle
6 at the time of the application has been cited for a violation,
7 pertaining to that vehicle, of Division 26 (commencing with Section
8 39000) of the Health and Safety Code or regulations of the State
9 Air Resources Board adopted pursuant to that division, until the
10 violation has been cleared, as determined by the State Air
11 Resources Board.
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14 **All matter omitted in this version of the bill**
15 **appears in the bill as introduced in the**
16 **Assembly, January 30, 2007 (JR11)**
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